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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/651,132

08/28/2003

Richard A. Kingston

02-1-865

8191

7590

10/04/2005

Carlo S. Bessone  
OSRAM SYLVANIA INC.  
100 Endicott Street  
Danvers, MA 01923

EXAMINER

HINES, ANNE M

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/651,132

Applicant(s)

KINGSTON ET AL.

Examiner

Anne M. Hines

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 26-31 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 19-25 is/are allowed.
- 6) ☒ Claim(s) 10, 14, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 11-13, 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/28/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-25, drawn to an electric lamp assembly, classified in class 313, subclass 625.
- II. Claims 26-31, drawn to method of making an electric lamp assembly, classified in class 445, subclass 26.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as apparatus and product made. The inventions in this relationship are distinct if either or both of the following can be shown: (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP § 806.05(g)). In this case the product as claimed can be made by another and materially different apparatus, such as adhesive bonding instead of welding.

During a telephone conversation with Carlos Bessone on September 26, 2005 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26-31 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 recites the limitation "...each of said first and second plates...". There is insufficient antecedent basis for this limitation in the claim or in the independent claim from which it depends.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trent et al. (US Pat. No. 6,720,718) and further in view of Brown et al. (US Pat. No. 6,188,164).

Regarding claim 10, Trent teaches and electric lamp comprising: a light transmissive outer envelope (Fig. 1, 18; Column 2, line 57) with a lamp assembly therein, said lamp assembly comprising, a stem assembly comprising a stem (Fig. 1, 36; Column 5, lines 24) and first and second electrical conductors (Fig. 1, 38 & 40; Column 5, lines 24-25); a single-ended electric lamp capsule (Fig. 1, 12; Column 2, line 51) comprising first and second lead wires (Fig. 1, 28 & 30; Column 3, line 18), said first and second lead wires being electrically connected to said first and second electrical conductors, respectively; a pyrophoric fuse electrically connected in series with one of said first and second lead wires (Fig. 1, 14; Column 3, lines 12-25). Trent fails to teach wherein a retainer mechanically connects the stem assembly to the capsule, said retainer comprising first and second substantially identical rigid frames each having first and second ends and first and second sides, said stem being clamped between respective said first ends and said capsule being clamped between respective second ends, said frames having an opening therethrough in which said lead wires, said conductors, and said fuse are exposed. Brown teaches a retainer for an electric lamp wherein a retainer (Fig. 1, nos. 14, 11, and 12) mechanically connects the stem assembly to the capsule (Fig. 1, 5), said retainer comprising first and second substantially identical rigid frames (Fig. 1, nos. 14a, 14b, 11, and 12) each having first and second ends and first and second sides (Fig. 1), said stem being clamped between respective said first ends and said capsule being clamped between respective second ends (Fig. 1), said frames having an opening therethrough (Fig. 1) in order to properly orient the arc tube within the lamp envelope (Column 1, lines 18-22). Therefore, it would

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have been obvious to one of ordinary skill in the art to modify the electric lamp of Trent by adding a retainer, as disclosed by Brown, in order to properly orient the art tube within the lamp envelope.

Regarding claim 15, Brown further discloses wherein said retainer is electrically isolated from the electrical conductors (Fig. 1). It should be noted that it would be obvious to one of ordinary skill in the art that the retainer connected only to the glass stem and the edges of the capsule is electrically isolated from the electrical conductors. Motivation to combine is the same as for claim 10.

Regarding claims 17 and 18, Brown further teaches wherein the retainer is structured and arranged to hold said stem assembly and said capsule a fixed distance apart with respect to a longitudinal axis of said capsule (Column 1, lines 18-22). And further that the retainer is structured and arranged to center (Fig. 1) said stem assembly and said capsule along said longitudinal axis to prevent movement of said stem assembly and said capsule with respect to each other in a direction perpendicular to said longitudinal axis (Column 1, lines 18-22). It should be noted that it would be obvious to one of ordinary skill in the art that a retainer for properly orienting the capsule within the lamp envelope prevents the capsule from moving once it is properly oriented. Motivation to combine is the same as for claim 10.

***Allowable Subject Matter***

Claims 1-9 and 19-25 allowed.

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Regarding claim 1, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation wherein an electric lamp assembly comprises a retainer comprising first and second plates each having first and second ends, has a lamp stem clamped between the first ends of the first and second plates and a light capsule is clamped between the second ends of the first and second plates.

Regarding claims 2-9, claims 2-9 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 19, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 19, and specifically comprising the limitation wherein an electric lamp assembly comprises a rigid chassis defined by two generally rectangular frames that are joined to each other along both sides of said chassis, said chassis having an opening therein.

Regarding claims 20-25, claims 20-25 are allowable for the reasons given in claim 19 because of their dependency status from claim 19.

Claims 11-13 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Regarding claim 11, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 11, and specifically

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comprising the limitation wherein the first and second sides of the frames have a plurality of welds to connect said first and second frames to each other.

Regarding claim 12, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 12, and specifically comprising the limitation wherein one of said first and second sides of both of said first and second frames further comprise a plurality of foldable tabs extending therefrom that secure said first and second pieces together when said plural tables are in a folded position.

Regarding claim 13, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 13, and specifically comprising the limitation wherein said rigid frames are generally rectangular and each further comprise a movable flange that is movable from a first position to a second position that is substantially perpendicular to said respective ones of said first and second sides.

Regarding claim 16, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 16, and specifically comprising the limitation wherein each said first and second frames is a one-piece frame.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-



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2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anne M Hines  
Patent Examiner  
Art Unit 2879

*AmH*  
*9/30/05*

*MS 10/2/05*  
**MARICELI SANTIAGO**  
**PRIMARY EXAMINER**